S.B.Cr.Misc. Bail App. No.5562/2007
( Narain Vs. State of Rajasthan)

Date of order : 23.11.2007

**HON'BLE MR.H.R.PANWAR, J.**

Mr. S.P. Joshi for Mr. Farzand Ali for the petitioner.

Mr. Ashok Upadhyaya, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned as well as the police investigation diary and the statement of the prosecutrix recorded under Section 164 Cr.P.C. wherein she expressed her desire to live with the petitioner and also that she at her own went with the petitioner. For the custody of the prosecutrix, an application was moved before the Additional Chief Judicial Magistrate No.2, Chittorgarh, and the trial court vide order dated 16.10.2007 gave the custody of the prosecutrix to the petitioner as the prosecutrix claimed to live with the petitioner.

Having regard to the facts and circumstances of the case and the fact that prosecutrix and the petitioner are living together as husband and wife, I consider it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Narain s/o Goru Lal Bheel be released on bail in FIR No.121/2007 P.S. Bijaypur, provided he

executes a personal bond for a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

**(H.R.PANWAR), J.**

vij